

DeSoto County Board of Education

10. Walls Library
7181 Delta Bluff Pkwy
DeSoto County

Supervisor Russell seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

3. Request by Herbert Bieselin for permit refund

Mr. McDougal presented a request for refund of permit fees by Herbert Bieselin in the amount of \$145, due to the property being in the City of Hernando instead of the County.

Supervisor Medlin made a Motion to approve a refund of Permit Fees to Herbert Bieselin. Supervisor Latimer seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

4. Request by James Marty for Variance Fee refund

Mr. McDougal presented a request for refund of Variance fees by James Marty in the amount of \$50, due to the need for Variance deemed as being unnecessary by the Planning Staff.

Supervisor Russell made a Motion to approve a refund of Variance Fees to James Marty. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

5. Request by Haywood Scott for permit refund

Mr. McDougal presented a request for refund of permit fees by Haywood Scott in the amount of \$100. Due to health issues, he is unable to begin or complete the work.

Supervisor Lewis made a Motion to approve a refund of Permit Fees to Haywood Scott. Supervisor Medlin seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	<u>YES</u>
SECOND DISTRICT SUPERVISOR, EUGENE THACH	<u>YES</u>
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	<u>YES</u>
FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER	<u>YES</u>
FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS	<u>YES</u>

* 6. Amendment to Board of Supervisors Meeting Minutes of November 5, 2009 regarding Scriveners' Errors on the Thornridge Subdivision Final Plat

Mr. McDougal stated the need for an amendment to meeting minutes to clarify the location and plat book and page number of a subdivision. He stated, "Section 22, Township 3 and Range 6", as well as "Plat book 108, page 1" needed to be added to the Meeting Minutes of November 5, 2009 regarding a Scriveners' Error on the Thornridge Subdivision Final Plat.

Supervisor Russell made a Motion to add "Section 22, Township 3 and Range 6" and "Plat book 108, page 1" to the Meeting Minutes of November 5, 2009 regarding a Scriveners' Error on the Thornridge Subdivision Final Plat. Supervisor Thach seconded the Motion.

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THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
 SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
 THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
 FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
 FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

Mr. McDougal clarified there are no prohibitions against rental units in the Covenants of Laurelbrook Subdivision, Section B.

Supervisor Latimer made a Motion to approve the minutes concerning Laurelbrook Subdivision of the Board of Supervisors Minutes from Monday, June 1, 2009. Supervisor Thach seconded the Motion.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN YES
 SECOND DISTRICT SUPERVISOR, EUGENE THACH YES
 THIRD DISTRICT SUPERVISOR, BILL RUSSELL YES
 FOURTH DISTRICT SUPERVISOR, ALLEN LATIMER YES
 FIFTH DISTRICT SUPERVISOR, TOMMY LEWIS YES

See Exhibit D

E. OLD BUSINESS

1. Starlanding Corridor - Peyton

Road Manager Russell Dorris said he talked to Talbot Brothers about the two ten foot pipes which the contract states will be their property at the end of the Starlanding Railroad project. Mr. Dorris said they will sell the County the pipes for a total of \$46,755 which includes installation on the Peyton property. Mr. Dorris said the County can buy two new fourteen gauge pipes ten feet long with head walls and bands for \$46,951. Mr. Dorris said he is not sure if the length would be the correct size. Mr. Dorris said Mr. Peyton mentioned bringing the existing pipes back on his property.

Chuck Peyton said there was another ditch south of the pipe in question that formerly never flooded. Since the project started, that ditch is now flooding as well. Mr. Peyton said he was asking to take those pipes to fix that problem.

Supervisor Bill Russell said, by law, the Board cannot make the driveway any better than it was before the project started. Mr. Peyton responded that water never flooded the second ditch until the project began. Mr. Peyton said, when the County increased the water flow onto his property, someone should be responsible.

Supervisor Russell asked, if the Board approves Mr. Peyton's request in this meeting and the work is done the way it is described, will Mr. Peyton sign a statement releasing the County of any liability.

Road Manager Russell Dorris asked Mr. Peyton if he would sign a release of liability to the County. Mr. Peyton said, previously they relied on engineer's drawings that illustrated it would fix the problem for all but a two year flood. He said they have been flooded six times in two months based on those drawings. He would hate to sign anything until he knows for sure the engineering is going to work.

Board Attorney Tony Nowak advised the Board of Supervisors he would like to discuss several issues related to this matter but that such discussion would be better handled in Executive Session. See Executive Session.

F. NEW BUSINESS

1. Series 2009 - \$16M Bond Documents

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DeSoto County Financial Advisor Demery Grubbs presented a resolution authorizing the issuance of GO bonds in the amount of \$16 million. Mr. Grubbs said the notice will be published on June 12th and June 19th and they will sell the bonds on June 24th. He presented documents in connection with the bond issue.

Supervisor Eugene Thach verified that the County could issue these bonds without a tax increase. Mr. Grubbs said yes, there will be no tax increase under this amount of bond funding. He said there are two older bond issues the County will pay off. Mr. Grubbs said he has spent time with the County Administrator and the Comptroller on the County financials and there will be no tax impact on the issuance of these bonds.

Supervisor Jessie Medlin clarified that Mr. Grubbs is saying that the millage the County had on the older bonds that are being paid off, will pay this debt. County Administrator Michael Garriga said, once the \$16 million is issued, it will be paid off from the millage from the new debt and cash on hand for debt payments.

Supervisor Medlin said the funding is ear-marked for the jail and asked what else it will fund. Mr. Garriga said it is ear-marked for the jail and the strategic plan completed by the Board last year which identified the most important road projects in the County.

Supervisor Bill Russell said the Jail Committee has not selected a jail site and the committee is not ready to make a recommendation but should be ready soon.

Supervisor Medlin said he wanted to make sure the Board is not doing a bond issue and paying interest on it when we are not ready to use the money. Mr. Garriga said the County should be ready to act within eight months on the project.

Supervisor Medlin asked how long the County has to spend the money. Mr. Grubbs said three years. He said the County will start paying interest at the time the bond is issued. Mr. Grubbs said we know that some time in the near future, the market will change and interest rates will go up. He said the County should receive the money in late July or early August.

Supervisor Medlin asked Mr. Grubbs if he recommends issuing this money in two issues of if that would have a negative impact on the interest rate. Mr. Grubbs said it would have a negative impact on the interest rate.

Supervisor Medlin said he knows that the County has needs that must be addressed, but people want the government to stop spending money.

Supervisor Russell made the motion and Supervisor Tommy Lewis seconded the motion to approve the three documents connected with the bond as follows:

- 1.) Resolution Authorizing and Ratifying the Signing and Distribution of a Preliminary Official Statement for the Sale of Sixteen Million Dollars General Obligation Bonds, Series 2009, of DeSoto County, Mississippi.
- 2.) Resolution Authorizing and Directing the Issuance of General Obligation Bonds, Series 2009, of DeSoto County, Mississippi in the Principal Amount of Sixteen Million Dollars.
- 3.) Resolution Authorizing and Ratifying the Signing and Distribution of a Preliminary Official Statement for the Sale of Sixteen Million Dollars General Obligation Bonds, Series 2009, of DeSoto County, Mississippi. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene C. Thach-----	YES
Supervisor Bill Russell-----	YES
Supervisor Allen Latimer-----	NO
Supervisor Tommy Lewis-----	YES

Supervisor Allen Latimer said he knows this is a good deal on the bonds and it is a good time to borrow but he does not know where the Board is talking about building the new jail. He said he is uncomfortable voting for something when he does not know where it will be located.

Supervisor Latimer said he does not know if the County will spend all of the money on the jail.

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Supervisor Tommy Lewis said all of the money would not be spent on the jail, but a large portion of it would be spent on the jail and some money on roads.

Supervisor Russell said the County has been in trouble with the state regarding the jail for four years and we must do something. He said, from his work on the Jail Committee, he is sure the \$16 million will not be enough to do a long range plan.

Supervisor Thach said the jail is not over-crowded now. Supervisor Russell said yes the jail is over-crowded. He said the cities have done a great job helping the County to reduce inmate population, but the jail is now at capacity and there has been more than capacity in the jail at times.

Supervisor Thach said he does not know where the jail will be located.

Mr. Grubbs said, if the Board wants to wait on the issuance of the bonds, it is their decision. He said his firm is trying to take advantage of the current market. Mr. Grubbs said the Board has \$80 million in projects and it is up to the Board where the bond money is spent.

Supervisor Medlin said he knows something needs to be done about the jail. The County keeps having reassessments and even though the Board has not raised millage, people's taxes have increased through reassessment. Supervisor Medlin said people are losing their jobs and income and retirement. Supervisor Medlin said he knows the Board must take care of the jail, but the entire Board has not been briefed by the Jail Committee.

2. Accounting - Supplemental Claims Docket

Comptroller Tom Arnold presented late bills for approval as follows:

\$ 229.12	Evelyn Rook	Refund of Dependent Health Premium
\$ 22.06	Beverly Dye	Refund of Dependent Health, Dental & Vision Premiums
\$180.00	Grenada Postmaster	PO Box Service for Mitchell M. Lundy
\$ 50.00	CNA Surety Co.	Bond/policy Coverage for Pamela D. Johnson

Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to approve the late bills as presented by the Comptroller. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene C. Thach-----	YES
Supervisor Bill Russell-----	YES
Supervisor Allen Latimer-----	YES
Supervisor Tommy Lewis-----	YES

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code annotated, Supervisor Jessie Medlin made the motion and Supervisor Allen Latimer seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Comptroller. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene C. Thach-----	YES
Supervisor Bill Russell-----	YES
Supervisor Allen Latimer-----	YES
Supervisor Tommy Lewis-----	YES

~~See Exhibit 12~~

3. Authorization to Solicit Bids for Surplus Helicopter

Vanessa Lynchard said previously the Board approved transferring a helicopter in the Aviation Unit to Panola County. Ms. Lynchard said Panola County no longer wants the helicopter so we need to rescind the previous approval. She said the Sheriff wants to bid for the sale of that helicopter

Supervisor Allen Latimer asked if the Sheriff's Department had purchased a new helicopter.

County Administrator Michael Garriga said no, they have not purchased a helicopter yet. Mr. Garriga said the Sheriff's Department has already sold one helicopter and banked that money and wants to sell this one as well and bank the money. They will take the money from both sales and put it toward the purchase of a new helicopter.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to go out to bid for the sale of a surplus helicopter. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
 Supervisor Eugene C. Thach-----YES
 Supervisor Bill Russell-----YES
 Supervisor Allen Latimer-----YES
 Supervisor Tommy Lewis-----YES

4. Board Attorney – MEMA Hazardous Mitigation Grant

Board Attorney Tony Nowak said, in the past years, the Board approved a grant through MEMA where the County buys property located in a flood zone and turned it into greenway. Mr. Nowak said they have the first property for purchase under that program. He said this requires the County to go through a real estate property closing. After County purchases the property, it must be used for green space.

County Administrator Michael Garriga said he recommends banking the property with the land trust.

Grants Administrator Joyce Herring said the County has to tear down the house and convert it to grass or greenspace.

Mr. Garriga asked Mrs. Herring if she sees any reason it cannot be banked with land trust. Mrs. Herring said no, there should be no problem as long as the County does not build anything on the property.

Supervisor Allen Latimer made the motion and Supervisor Jessie Medlin seconded the motion to proceed with the acquisition of the property and to authorize the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to handle the closing of the property in any manner necessary to bring the matter to a legal conclusion. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
 Supervisor Eugene C. Thach-----YES
 Supervisor Bill Russell-----YES
 Supervisor Allen Latimer-----YES
 Supervisor Tommy Lewis-----YES

G. EXECUTIVE SESSION

The executive session portion of these minutes is recorded under the portion of the minutes called "Executive Session".

H. OTHER ISSUES

1. Planning Commission Minutes – Rental property

Supervisor Allen Latimer made the motion and Supervisor Eugene Thach seconded the motion to approve the minutes from May 6th concerning the Planning Commission agenda item under Final Subdivisions – Laurelbrook concerning rental property. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES
 Supervisor Eugene C. Thach-----YES
 Supervisor Bill Russell-----YES

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Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

2. I-69 / 269

Supervisor Tommy Lewis said the corridor study for I-69/269 is very important to DeSoto County. He asked the Board to please give the study consideration. The Board discussed the importance of developing the I-69/269 corridor appropriately.

Supervisor Tommy Lewis made the motion and Supervisor Jessie Medlin seconded the motion to issue an RFQ and/or an RFP for the I-69/269 corridor within 60 days.

The Supervisors discussed issues concerning the development of this corridor. County Administrator Michael Garriga said the County has generic policies in place.

Supervisor Bill Russell said, if the County has to tell people they cannot do certain things with their property, the Board needs to know the options for those people. Supervisor Russell said he does not want to spend \$300,000 and not know how to handle requests from constituents. Supervisor Russell said he wants to ask those questions before we move forward.

Planning Director Jim McDougal said, any plan the Board adopts, can be improved by a better plan and the Board may change the plan at any time.

After discussing the matter, Supervisor Jessie Medlin withdrew the second because he had to leave the meeting.

The Board continued to discuss the importance of the I-69/269 corridor.


Supervisor Bill Russell seconded Supervisor Tommy Lewis' previous motion to issue an RFQ and/or an RFP for the I-69/269 corridor within 60 days. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

Supervisor Allen Latimer made the motion and Supervisor Tommy Lewis seconded the motion to recess the meeting until June 24, 2009, at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----ABSENT
Supervisor Eugene C. Thach-----ABSENT
Supervisor Bill Russell-----YES
Supervisor Allen Latimer-----YES
Supervisor Tommy Lewis-----YES

THIS the 3rd day of June, 2009, these minutes have been read and approved by the DeSoto County Board of Supervisors.


Tommy Lewis, President
DeSoto County Board of Supervisors

T.J.L.

STATE OF MISSISSIPPI, COUNTY OF DESOTO
I HEREBY CERTIFY that the above and foregoing is
a true copy of the original filed in this office.
This the 23rd day of June, 2009
W. E. Davis, Clerk of the chancery court

06/03/2009

By  D.C.